

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF PUERTO RICO

MARTIN J. WALSH, Secretary of Labor,
United States Department of Labor,

Civil Action No.

Plaintiff,

15-cv-1166 (PAD-BJM)

v.

PATRICIO’S RESTAURANT INC. d/b/a JOSE
JOSE RESTAURANT, EL CATADOR
D’ABREU, INC. d/b/a EL CATADOR
D’ABREU, JOSE ABREU-RAMIREZ,
individually and as officer, and MILAGROS DE
LOS SANTOS-GOMEZ, individually and as
officer,

Defendants.

MOTION TO APPROVE CONSENT JUDGMENT

COMES NOW Plaintiff Martin J. Walsh, Secretary of Labor, United States Department of Labor (“Secretary”) and hereby moves for approval of the proposed Consent Judgment filed as docket entry 70-1. This proposed Consent Judgment provides for the payment of back wages and liquidated damages that will be distributed to employees named on Exhibit A and requires the Defendants to comply with the Fair Labor Standards Act going forward. They are also required to inform their employees of the judgment.

This proposed Consent Judgment represents a fair and reasonable resolution of the Secretary’s claims under the Fair Labor Standards Act and is in the public interest. *S.E.C. v. Citigroup Global Markets, Inc.*, 752 F.3d 285, 294 (2d Cir. 2014) (consent judgment with enforcement agency should be approved where it is fair, reasonable, and does not disserve the public interest). *See also United States v. Cannons Eng’g Corp.*, 720 F. Supp. 1027, 1035 (D. Mass. 1989) (CERCLA), *aff’d*, 899 F.2d 79 (1st Cir. 1990) (courts should recognize strong

policy in favor of voluntary settlement of litigation with a federal administrative agency oriented in the field). *See also, e.g., Emhart Indus., Inc., v. New England Container Co., Inc.*, Nos. 06-218, 11-023, 2019 WL 7631111, at *2 (D.R.I. 2019) (CERCLA), *aff'd sub nom* 988 F.3d 511, 522-23 (1st Cir. 2021) (“[S]tandard of review a district court must . . . apply in deciding whether to approve a consent decree settling claims under CERCLA involving the United States... ‘implicates the trial court’s deference to the agency’s expertise and to the parties’ agreement.”) (quoting *Cannons*, 899 F.2d at 84)); *Varsity Wireless Investors, LLC v. Town of Hamilton*, 370 F. Supp. 3d 292, 299-301 (D. Mass. 2019) (TCA) (approving proposed “agreement for judgment” resolving claims pursuant to the Telecommunications Act of 1996 where, *inter alia*, the Agreement reflects a “fair, adequate and reasonable compromise” and “is also consistent with the intent of Congress, and the public interest weighs in favor of entering a judgment incorporating the terms set forth in the Agreement.”), *aff'd sub nom*, No. 19-1446, 2019 WL 5692232 (1st Cir. Aug. 28, 2019).

In the interest of justice and for good cause shown, plaintiff Secretary of Labor respectfully moves for the approval of the proposed Consent Judgment filed at docket entry 70-1.

Respectfully submitted,

DATED: January 10, 2022
New York, New York

SEEMA NANDA
Solicitor of Labor

JEFFREY S. ROGOFF
Regional Solicitor

By: /s Allison L. Bowles
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CERTIFICATE OF SERVICE

I, Allison L. Bowles, one of Plaintiff Secretary of Labor's attorneys, hereby certify that on the 10th day of January 2022, I electronically filed the foregoing Motion to Approve Consent Judgment and Consent Judgment with the Clerk of the United States District Court for the District of Puerto Rico using its CM/ECF system, which would then electronically notify the following CM/ECF participants on this case:

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